S. B. Criminal Misc. Petition No.1846/2007
(State Vs. Hidayat Khan)

Date of Order : 22.11.2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Ashok Upadhyay, P.P.

By a communication dated 10th September, 2007, received from the learned Sessions Judge, Churu, learned Sessions Judge sought permission to re-construct the file of the Sessions Case so as to hold the trial of the case.

It appears from the communication that original record of the Session Case No.171/92 (22/87) (state Vs. Hidayat Khan) was summoned and received by this Court in S.B. Criminal Misc. Petition No.401/89, further after receiving the record, the original file of Misc. Petition No.401/89 along with the record has been misplaced and a inquiry in the matter was ordered. The inquiry has already been contemplated. However, the record and the file could not be traced out. The file was re-constructed and ultimately the petition was decided on 12.02.1999 in absence of the record. However, the certified copies of the challan etc. have already been collected and re-constructed the record and the same has already been sent to

the trial court vide communication No.2438 dated 23.2.1999.

If the learned Sessions Judge feels to re-construct the record of the original case, it will be always open for him to re-construct the record and proceed with the trial of the case.

The petition is accordingly disposed of.

(H.R. PANWAR), J.

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